IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3178 OF 2006

PBA Infrastructure Ltd..... ... Petitioner.

Versus

The State of Maharashtra & Anr..... Respondents.

Ms. A.P.Madhuri for the Petitioner.

Mr.P.P.Kakade, AGP for the Respondents.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 5TH MAY 2006.

P.C.:

By this petition, the petitioner has impugned the action of the respondent - Regional Transport Office (R.T.O.) - of impounding and seizing the vehicle belonging to the Petitioner as it violated the requirements of R.T.O., which do not permit plying of vehicles which are more than eight years old.

2. In similar circumstances, this Court was moved in Writ Petition No. 6086 of 2005. Taking into consideration peculiar circumstances in which the vehicles are prohibited from being plied within limits

of Greater Mumbai, the Court directed the disposal of the petition in following terms:

> "In these circumstances, this petition is disposed of by directing the petitioner to deposit in the Chief Minister's Relief Fund an amount of Rs.20,000/-. The Petitioner shall deposit this amount with the 2nd Respondent, who shall, in turn, forward the amount to the Chief Minister's Relief Fund. The Petitioner shall file an undertaking before the 2nd Respondent that the vehicle shall not, hereafter, be plied within the municipal limits of Greater Mumbai. The 2nd Respondent shall subject to compliance with the aforesaid conditions release the vehicle only for one journey within the municipal limits of Greater Mumbai so as to enable the petitioner to take the vehicle outside the municipal limits."

3. In our opinion, this petition can also be disposed of by accepting the request of the Petitioner for depositing in the Chief Minister's Relief Fund an amount of Rs.20,000/- and on such deposit the Petitioner shall also file an undertaking before

Respondent No.2 that the vehicle shall not ply within the municipal limits of Greater Mumbai. Respondent No.2 is directed to seek compliance of the order and relese the vehicle only for one way journey out of the municipal limits of Greater Mumbai. The petition is accordingly disposed of.

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